

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 9.36.100 of the Lincoln Municipal Code
2 relating to the unlawful possession of firearms by adding convictions for crimes of assault, unlawful
3 intrusion, violation of custody, domestic assault, first degrees criminal trespass, contributing to the
4 delinquency of a child, public indecency/exposure, operating a vehicle to avoid/flee arrest, any
5 violation of the Nebraska Uniform Controlled Substances Act, unlawful use of toxic compounds,
6 and more than two convictions for DWI and/or refusal to submit to a chemical test, to the pre-
7 existing list of named offenses, conviction of which preclude possession of any firearm; and
8 repealing Section 9.36.100 of the Lincoln Municipal Code as hitherto existing.

9 WHEREAS, the City Council finds that the offenses added by this amendment are
10 either crimes of violence, crimes in which there is a higher probability for violence, crimes involving
11 moral turpitude that have a higher probability for being predicate offenses for more violent crimes,
12 or crimes that demonstrate physical impairment and/or mental impairment.

13 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincoln,
14 Nebraska:

15 Section 1. That Section 9.36.100 of the Lincoln Municipal Code be amended to read
16 as follows:

17 **9.36.100 Unlawful Possession of Firearms.**

18 (a) It shall be unlawful for any person to possess any firearm within the corporate limits
19 or on any property of the City of Lincoln outside the corporate limits when that person has been
20 convicted of any one of the following offenses within the last ten years: Stalking in violation of

1 *Neb. Rev. Stat.* § 28-311.03 or any other comparable or similar state statute from another state;
2 Violation of a protection order as set forth in *Neb. Rev. Stat.* § 42-924 or Violation of a foreign
3 protection order as set forth in *Neb. Rev. Stat.* § 42-931; False imprisonment in the second degree
4 in violation of *Neb. Rev. Stat.* § 28-315; Sexual assault in the third degree in violation of *Neb. Rev.*
5 *Stat.* § 28-320; Impersonating a peace officer in violation of *Neb. Rev. Stat.* § 28-610; or,
6 Impersonating police officer in violation of Lincoln Municipal Code § 9.08.060; Debauching a
7 Minor in violation of *Neb. Rev. Stat.* § 28-805; Obstructing government operations in violation of
8 *Neb. Rev. Stat.* § 28-901; Resisting arrest in violation of *Neb. Rev. Stat.* § 28-904; Resisting officer
9 in violation of Lincoln Municipal Code § 9.08.030; Obstructing a peace officer in violation of *Neb.*
10 *Rev. Stat.* § 28-906; Interfering with an officer making an arrest in violation of Lincoln Municipal
11 Code § 9.08.020; Carrying concealed weapon in violation of *Neb. Rev. Stat.* § 28-1202; Criminal
12 child enticement in violation of *Neb. Rev. Stat.* § 28-311; Implements for escape in violation of *Neb.*
13 *Rev. Stat.* § 28-913; Unlawful possession of explosives, second degree in violation of *Neb. Rev. Stat.*
14 § 28-1216; Use of explosives without a permit in violation of *Neb. Rev. Stat.* § 28-1218; Concealing
15 the death of another person in violation of *Neb. Rev. Stat.* § 28-1302; Minors not to be furnished
16 with firearms, ammunition, or weapons in violation of Lincoln Municipal Code § 9.36.020;
17 Discharge of firearms unlawful in violation of Lincoln Municipal Code § 9.36.010; ~~and~~ Criminal
18 attempt (where the crime attempted is a felony or any of the above Nebraska State Statute
19 misdemeanor violations) in violation of *Neb. Rev. Stat.* § 28-201; Assault in the third degree in
20 violation of *Neb. Rev. Stat.* § 28-310; Assault and battery, menacing threats in violation of Lincoln
21 Municipal Code §9.12.010; Unlawful intrusion in violation of *Neb. Rev. Stat.* § 28-311.08; Violation
22 of custody in violation of *Neb. Rev. Stat.* § 28-316; Domestic assault in violation of *Neb. Rev. Stat.*
23 § 28-323; Criminal trespass in the first degree in violation of *Neb. Rev. Stat.* § 28-520; Contributing

1 to the delinquency of a child in violation of *Neb. Rev. Stat.* § 28-709; Public indecency in violation
2 of *Neb. Rev. Stat.* § 28-806; Public indecency or indecent exposure in violation of Lincoln Municipal
3 Code § 9.16.180; Operating a motor vehicle or vessel to avoid arrest in violation of *Neb. Rev. Stat.*
4 § 28-905; Fleeing in a vehicle to avoid arrest in violation of Lincoln Municipal Code § 10.14.280;
5 any violation of the Uniform Controlled Substances Act as set forth in *Neb. Rev. Stat.* §§ 28-401 to
6 28-456.01; Toxic compounds, unlawful use in violation of Lincoln Municipal Code §9.16.110.

7 (b) It shall be unlawful for any person to possess any firearm within the corporate limits
8 or on any property of the City of Lincoln outside the corporate limits when that person has been
9 convicted of two or more of the following offenses within the last ten years: Driving under the
10 influence of alcoholic liquor or drugs in violation of *Neb. Rev. Stat.* § 60-6,196; Driving under the
11 influence of alcoholic liquor or drugs in violation of Lincoln Municipal Code § 10.16.030; Implied
12 consent to submit to chemical test, refusal in violation of *Neb. Rev. Stat.* § 60-6-197; Chemical test,
13 refusal in violation of Lincoln Municipal Code §10.16.040; or any conviction under a law of another
14 state or municipality if at the time of the conviction under said law the offence for which the person
15 was convicted would have been a violation of *Neb. Rev. Stat.* §§ 60-6,196 or 60-6,197.

16 (c) The provisions of this section shall not apply to (a~~1~~) the issuance of firearms or the
17 possession by members of the Armed Forces of the United States, active or reserve, the National
18 Guard of this state, or Reserve Officers Training Corps, when on duty or training; or (b~~2~~) a peace
19 officer as defined by *Neb. Rev. Stat.* § 28-109(14).

20 Section 2. That Section 9.36.100 of the Lincoln Municipal Code as hitherto existing
21 be and the same is hereby repealed.

22 Section 3. That this ordinance shall take effect and be in force from and after its
23 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006:

Mayor